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**BZA-1871**  
**THURMAN SANDERS**  
**Appeal of the Decision**  
**of the Administrative Officer**

**STAFF REPORT**  
**January 17, 2013**

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**the Administrative Officer**

**Staff Report**  
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**REQUEST MADE:**

Petitioner, represented by James Ayres of Wernle, Ristine and Ayres of Crawfordsville, is appealing the decision of the Administrative Officer (County Building Commissioner) regarding his determination that petitioner's non-conforming kennel operation (SIC 0752), Sanders Kennel, has expanded illegally on property located at 10112 S 700 E, Lauramie 17 (NE) 21-3.

**BACKGROUND:**

On July 11, 2011, an officer from the Tippecanoe County Sheriff's Department visited petitioner's kennel operation as a result of a complaint that several dogs "were in need of care." The Reporting Officer's narrative indicated there were 20-60 border collies at the site; an Animal Control violation was issued.

Then, on September 26, 2012 based on another complaint regarding unsanitary animal conditions from Tippecanoe County Animal Control, representatives from the County Health Department, Sherriff, Humane Society and Indiana State Board of Health visited the site. As a result of that visit, the County Health Department informed petitioner that a pole barn structure housing the business was declared a Public Health Hazard because of a lack of a "proper waste water disposal system."

Based on site visits, conversations with representatives from the County Health Department, historic aerial photos and a building permit received by petitioner in 11/1990 (Permit #10149), the Tippecanoe County Building Commissioner determined that petitioner has expanded the use of the non-conforming kennel without receiving a special exception. The following conclusions were sent to petitioner in a letter from Jay Seeger, counsel for the Area Board of Zoning Appeals, dated November 13, 2012:

*"The real estate located at 10112 S. 700 E., Clarks Hill, IN 47930 is located in a Select Agricultural (AA) zone. The Permitted Use Table of the Unified Zoning Ordinance, Section 3-2, only allows a dog breeding kennel (SIC Group 0752) to be operated in a Select Agricultural (AA) zone where a Special Exception for such use has been granted by the ABZA. No such Special Exception for the operation of a dog breeding kennel (SIC 0752) has ever been granted for the real estate located at 10112 S. 700 E., Clarks Hill, IN 47930. Accordingly, your current operation of a dog breeding kennel (SIC Group 0752) on the real estate constitutes a violation of the UZO."*

**Attachments:**

Petitioner's Statement of Appeal  
Record of the Administrative Officer